

Consultee Comments for Planning Application DC/18/01442

Application Summary

Application Number: DC/18/01442

Address: 1 Stone Cottages Creeting Hills Creeting St Mary Ipswich Suffolk IP6 8PZ

Proposal: Outline Planning Application - Erection of 1No detached dwelling (all matters reserved).

Case Officer: Simon Smith

Consultee Details

Name: Mrs Jennie Blackburn

Address: 1 All Saints Road, Creeting St Mary, Ipswich, Suffolk IP6 8NF

Email: clerk.csmpc@yahoo.co.uk

On Behalf Of: Creeting St. Mary Parish Clerk

Comments

The Parish Council have no objections to this application.

From: RM PROW Planning
Sent: 02 May 2018 13:42
To: BMSDC Planning Area Team Blue
Cc: Kyle Porter
Subject: RE: MSDC Planning Consultation Request - DC/18/01442

For The Attention of: Simon Smith

Public Rights of Way Response

Thank you for your consultation concerning the above application.

Government guidance considers that the effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered (Rights of Way Circular 1/09 – Defra October 2009, para 7.2) and that public rights of way should be protected.

Public Footpath 54 is recorded adjacent to the proposed development area and BR30 is recorded along the access of the proposed development area.

Whilst we do not have **any objections** to this proposal, the following informative notes apply.

Informative Notes

The granting of planning permission is separate to any consents that may be required in relation to Public Rights of Way, including the authorisation of gates. These consents are to be obtained from the Public Rights of Way & Access Team at Suffolk County Council, as the Highway Authority.

To apply to carry out work on the Public Right of Way or seek a temporary closure, visit <http://www.suffolkpublicrightsofway.org.uk/home/temporary-closure-of-a-public-right-of-way/> or telephone 0345 606 6071.

To apply for structures, such as gates, on a Public Rights of Way, visit <http://www.suffolkpublicrightsofway.org.uk/home/land-manager-information/> or telephone 0345 606 6071.

1. Nothing should be done to stop up or divert the Public Right of Way without following the due legal process including confirmation of any orders and the provision of any new path. If you wish to build upon, block, divert or extinguish a public right of way within the red lined area marked in the application, an order must be made, confirmed, and brought into effect by the local planning authority, using powers under s257 of the Town and Country Planning Act 1990. In order to avoid delays with the application this should be considered at an early opportunity.

2. The alignment, width, and condition of Public Rights of Way providing for their safe and convenient use shall remain unaffected by the development unless otherwise agreed in writing by the Rights of Way & Access Team; any damage resulting from these works must be made good by the applicant.
3. Under Section 167 of the Highways Act 1980 any structural retaining wall within 3.66 metres of the Public Right of Way with a retained height in excess of 1.37 metres must not be constructed without the prior approval of drawings & specifications by Suffolk County Council. The process to be followed to gain approval will depend on the nature and complexity of the proposals. Applicants are strongly encouraged to discuss preliminary proposals at an early stage, such that the likely acceptability of any proposals can be determined, and the process to be followed can be clarified.

Construction of any retaining wall or structure that supports the Public Right of Way or is likely to affect the stability of the right of way may also need prior approval at the discretion of Suffolk County Council.

4. If the Public Right of Way is temporarily affected by works which will require it to be closed, a Traffic Regulation Order will need to be sought from Suffolk County Council.
5. The applicant must have private rights to take motorised vehicles over the Public Right of Way. Without lawful authority it is an offence under the Road Traffic Act 1988 to take a motorised vehicle over a Public Right of Way other than a byway. We do not keep records of private rights and suggest a solicitor is contacted.
 - **Public footpath** – only to be used by people **on foot**, or using a mobility vehicle.
 - **Public bridleway** – in addition to people on foot, bridleways may also be used by someone on a **horse** or someone riding a **bicycle**.
 - **Restricted byway** – has similar status to a bridleway, but can also be used by a 'non-motorised vehicle', for example a **horse and carriage**.
 - **Byway open to all traffic (BOAT)** – can be used by **all vehicles**, including motorised vehicles as well as people on foot, on horse or on a bicycle. In some cases, there may be a Traffic Regulation Order prohibiting forms of use.
6. Public Rights of Way & Access is not responsible for maintenance and repair of the route beyond the wear and tear of normal use for its status and it will seek to recover the costs of any such damage it is required to remedy.
7. There may be other public rights of way that exist over this land that have not been registered on the Definitive Map. These paths are either historical paths that were never claimed under the National Parks and Access to the Countryside Act 1949, or paths that have been created by public use giving the presumption of dedication by the land owner whether under the Highways Act 1980 or by Common Law. This office is not aware of any such claims.

More information about Public Rights of Way can be found at www.suffolkpublicrightsofway.org.uk

MID SUFFOLK DISTRICT COUNCIL

MEMORANDUM

TO: Chief Planning Control Officer For the attention of: Simon Smith

FROM: Philippa Stroud, Environmental Protection Team DATE: 02 May 2018

YOUR REF: DC/18/01442

SUBJECT: Outline Planning Application – Erection of 1 No detached dwelling (all matters reserved).

Location: 1 Stone Cottages, Creeting Hills, Creeting St Mary, Ipswich, Suffolk IP6 8PZ

Please find below my comments regarding contaminated land matters only.

The Environmental Protection team has no objection to the proposed development but would recommend that the following condition be attached to any planning permission. **Please note that this is not the Standard Planning Condition.**

Proposed Planning Condition (CL02)

The site is on the site of, and within 250m of, former landfill sites. The site, therefore, is potentially at risk from ground gases, which may have migrated from the landfill sites into the strata below this site. Accordingly, either:

(A) *No development shall take place until:*

1. *A strategy for investigating any contamination (including ground gases) present on site has been submitted for approval by the Local Planning Authority.*
2. *Following approval of the strategy, an investigation shall be carried out in accordance with the strategy.*
3. *A written report shall be submitted detailing the findings of the investigation referred to in (2) above, and an assessment of the risk posed to receptors by the contamination (including ground gases) for approval by the Local Planning Authority. Subject to the risk assessment, the report shall include a Remediation Scheme as required. The Remediation Scheme shall detail any measures necessary to contain, manage and/or monitor any ground gases with the potential to reach the application site.*
4. *Any remediation work shall be carried out in accordance with the approved Remediation Scheme.*
5. *Following remediation, evidence shall be provided to the Local Planning Authority verifying that remediation has been carried out in accordance with the approved Remediation Scheme.*

Or

(B) *Such other measures as may be agreed with the Local Planning Authority shall be incorporated in the building design to mitigate the risk from ground gases. Where building control measures are agreed in lieu of a site investigation, all buildings and associated services should be designed and constructed with suitable regard for the possible presence of ground gases. You must build to the standards specified in 'BRE/Environment Agency Report BR 414, Protective measures for housing on gas-contaminated land, 2001', 'BRE Report BR 212, Construction of New Buildings on Gas Contaminated Land, 1991', and "The Building Regulations 2000, Approved Document C, Site preparation and resistance to contaminants and moisture'.*

Reason: To identify the extent and mitigate risk to the public, the wider environment and buildings arising from land contamination.

It is important that the following advisory comments are included in any notes accompanying the Decision Notice:

'There is a suspicion that the site may be contaminated or affected by ground gases. You should be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

Unless agreed with the Local Planning Authority, you must not carry out any development work (including demolition or site preparation) until the requirements of the condition have been met, or without the prior approval of the Local Planning Authority.

The developer shall ensure that any reports relating to site investigations and subsequent remediation strategies shall be forwarded for comment to the following bodies:

- *Local Planning Authority*
- *Environmental Services*
- *Building Inspector*
- *Environment Agency*

Any site investigations and remediation strategies in respect of site contamination (including ground gases) shall be carried out in accordance with current approved standards and codes of practice.

The applicant/developer is advised, in connection with the above condition(s) requiring the submission of a strategy to establish the presence of land contaminants and any necessary investigation and remediation measures, to contact the Council's Environmental Protection team.'

Philippa Stroud
Senior Environmental Protection Officer

Your Ref: DC/18/01442
Our Ref: 570\CON\1468\18
Date: 17/04/2018
Highways Enquiries to: kyle.porter@suffolk.gov.uk



All planning enquiries should be sent to the Local Planning Authority.

Email: planningadmin@babberghmidsuffolk.gov.uk

The Planning Officer
Mid Suffolk District Council
1st Floor, Endeavour House
8 Russell Road
Ipswich
Suffolk
IP1 2BX

For the Attention of: Simon Smith

TOWN AND COUNTRY PLANNING ACT 1990 - CONSULTATION RETURN DC/18/01442

PROPOSAL: Outline Planning Application - Erection of 1 No detached dwelling (all matters reserved).

LOCATION: 1 Stone Cottages, Creeting Hills, Creeting St Mary, Ipswich, IP6 8PZ

Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:

Condition: Before the development is commenced details of the areas to be provided for the collection of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

Condition: Before the development is commenced details of the areas to be provided for the [LOADING, UNLOADING,] manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles, where on-street parking and manoeuvring would be detrimental to highway safety.

Yours sincerely,

Mr Kyle Porter
Development Management Technician
Strategic Development